

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 20, 2005 - KW

Division: County Attorney's Office

Bulk Item: Yes XX No

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Authority to initiate litigation to enforce a restrictive covenant.

ITEM BACKGROUND: On March 28, 2002, Daniel and Luann Devine signed a Single Family Restrictive Covenant agreeing that their property located at Lot 24 Block 4 Summerland Cove Isle was being permitted as a single family residence and "that no structural changes or interior renovations will be made to the single family residence which will allow the use of the residence as a duplex or multi family residence. During a recent, inspection a full kitchen and bath were discovered in a downstairs enclosure creating an un-permitted dwelling unit contrary to the restrictive covenant.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: TBD

BUDGETED: Yes X No

COST TO COUNTY: TBD

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 03/01/05

JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included Not Required

DISPOSITION:

AGENDA ITEM #

FILE #1295266
BK#1777 PG#1591

- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and
- This covenant is intended to benefit and run in favor of the County of Monroe; and

In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 28 day of MARCH, 2002

WITNESSES:

[Signature]
(Signature)

JOE PASKALLIK
(Print/Type Name)

[Signature]
(Signature)

KATHRYN HILL BURNETT
(Print/Type Name)

OWNER OR OWNERS

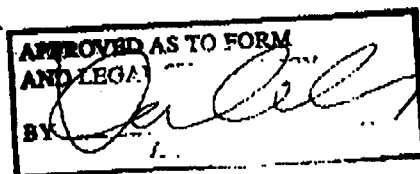
[Signature]
(Signature)

Daniel H. Devine, Jr.
Daniel N. Devine, Jr.
(Print/Type Name)

[Signature]
(Signature)

LUANN DEVINE
Luann Devine
(Print/Type Name)

Sworn before me this 28 day of MARCH, 2002 A.D.



MONROE COUNTY
OFFICIAL RECORDS

Single Family Residence Covenant
00198834-002400

Page 2 of 2

MARY TUCKER
Notary Public (Print Name)
[Signature]
Notary Public (Signature)
My Commission Expires:

